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6 **ORDINANCE NO. 2006-29s**
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10 **An Ordinance of the Pierce County Council Amending Chapter 2.118 of the**
11 **Pierce County Code, "Emergency Management**
12 **Organization" to Add Definitions; to Provide for a**
13 **Succession of Authority During the Absence or**
14 **Unavailability of the Executive; to Add Provisions**
15 **Addressing the Continuity of County Government in the**
16 **Event of a Disaster; to Provide for the Preservation of**
17 **Essential Records; and to Make Updating and Clarifying**
18 **Revisions.**
19

20 **Whereas**, neither the Charter nor the Pierce County Code contains provisions for
21 naming the successors to the Executive, other than the Executive Pro Tem, in the event
22 of the Executive's absence or unavailability; and
23

24 **Whereas**, both the Charter and the Code are silent on the issue of providing and
25 assuring the continued operation of Pierce County government in the event of a
26 disaster; and
27

28 **Whereas**, in furtherance of the County's efforts to prepare for emergencies
29 and/or disasters and to assure the continued operation of government during such
30 events, new provisions should be added to the County Code to address the following:
31 the succession of authority during the Executive's absence or unavailability; the
32 appointment of temporary interim successors to elected offices other than the office of
33 the Executive; the designation of alternate branch offices for the Council; and the
34 preservation of essential records; **Now Therefore**,

35
36 **BE IT ORDAINED by the Council of Pierce County:**
37



1 Section 1. Chapter 2.118 of the Pierce County Code is hereby amended as
2 shown in Exhibit A, which is attached hereto and incorporated herein by reference.

3
4 **PASSED** this _____ day of _____, 2006.

5
6 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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8
9
10 _____
11 **Denise D. Johnson**
12 Clerk of the Council

Shawn Bunney
Council Chair

13
14
15 _____

John W. Ladenburg
Pierce County Executive
Approved _____ Vetoed _____, this
18 _____ day of _____,
19 2006.

21
22 Date of Publication of
23 Notice of Public Hearing: _____

24
25 Effective Date of Ordinance: _____



Chapter 2.118

EMERGENCY MANAGEMENT ORGANIZATION

Sections:

- 2.118.010 Purpose.**
- 2.118.015 Emergency Management Policy.**
- 2.118.020 Definitions.**
- 2.118.030 Powers and Duties.**
- 2.118.040 Disaster and Emergency Powers of Director.**
- 2.118.042 Succession of Authority.**
- 2.118.045 Continuity of County Government.**
- 2.118.050 Penalties for Violations.**
- 2.118.060 Severability.**

Cross-reference: Chapters 38.52, 42.14 RCW

2.118.010 Purpose.

The declared purposes of this Chapter are to provide for the preparation and coordination of plans for emergency management within the County in the event of a disaster, for the exercise of emergency powers and for the continuity of County government, in a manner consistent with the Washington Emergency Management Act, Chapter 38.52 RCW, and the Continuity of Government Act, Chapter 42.14 RCW. Any expenditures made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively to be for a general County purpose.

2.118.015 Emergency Management Policy.

It is the policy of Pierce County to make effective preparation and use of manpower, staff, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies by their very nature, may disrupt existing systems and the capability of Pierce County to respond to protect life, public health and public property. Therefore, citizens are encouraged to be prepared to be self-sufficient for up to 72 hours five days should an emergency or disaster occur.

2.118.020 Definitions.

- A.** "Absent" means not present in the State of Washington for a period of 24 hours or more.
- AB.** "Director" means the Director of the Emergency Management Department.
- BC.** "Disaster" means actual or threatened natural, or man-caused public calamity, including, but not limited to, enemy attack, sabotage, hazardous material incident and extraordinary fire, flood, storm, pandemic, epidemic lahar, tsunami and earthquake.
- CD.** "Emergency management" means the preparation for and the coordination of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters.



- E. "Executive Pro Tem" means the Councilmember designated pursuant to Section 3.40 of the Pierce County Charter to exercise the powers and duties of the Executive during such time as the Executive is absent or unavailable.
- F. "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office.
- G. "Vacancy" means that an office of a County official is legally unoccupied due to the incumbent's death, incapacity, resignation or other reason as provided for in Section 4.70 of the Pierce County Charter.

2.118.030 Powers and Duties.

The Director is empowered:

- A. To request the Executive of Pierce County or in his/her absence, the Pro Tem, or in his/her absence, the Chair of the County Council to proclaim the existence or threatened existence of a disaster and termination thereof, or to issue such proclamation if the Executive, the Pro Tem, and the Chair are not available, subject to confirmation by the Executive at the earliest practicable time;
- B. To request the Executive of Pierce County or in his/her absence, the Pro Tem, or in his/her absence, the Chair of the County Council to request the Governor to proclaim a state of extreme emergency when, in the opinion of the Director, the resources of the area or region are inadequate to cope with the disaster, or to make such request to the Governor if the Executive, the Pro Tem, and the Chair, are not available, subject to confirmation by the Executive at the earliest practicable time;
- C. Whenever practicable, to consult with the Council prior to any request for a declaration of emergency or disaster under A. or B. above, or notify the Council within 24 hours of making a declaration.
- ~~D.~~ To organize, administer and operate the Department of Emergency Management for the accomplishment of the purposes of this Chapter, subject to the direction and control of the County Executive;
- ~~E.~~ To develop mutual aid agreements to be executed by the County Executive or designee.
- ~~F.~~ The Department of Emergency Management shall be the hazardous materials incident coordinating agency for Pierce County.

2.118.040 Disaster and Emergency Powers of Director.

In the event of the proclamation of a disaster as provided in this Chapter, or the proclamation of a state of extreme emergency by the Governor or ~~the State Director of Emergency Management~~ **declaration of a Presidential Emergency, or Incident of national Significance**, the Director is empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the Executive of Pierce County;
- B. With the approval of the County Executive or designee to obtain vital supplies, equipment and such other properties found lacking and needed for the protection of Pierce County property and the life of the residents thereof, and bind the County for the fair value thereof, and if required immediately, to commandeer the same for public use;
- C. To require emergency services of any County officer or employee and, in the event of



1 the proclamation of a state of extreme emergency by the Governor in the region in
2 which this County is located, to command the aid of as many citizens of this community
3 as he thinks necessary in the execution of his official duties; such persons shall be
4 entitled to all privileges, benefits and immunities as are provided by state law for
5 registered emergency workers.
6

7 **2.118.042 Succession of Authority.**

- 8 A. In the event the Executive is absent or unavailable, the powers and duties of the office of
9 the Executive shall be exercised and discharged by the following officers in the
10 following order:
11 1. Executive Pro Tem
12 2. Chair of the Council
13 3. Vice Chair of the Council
14 4. Remaining Councilmembers in order of seniority by consecutive years of service on
15 the Council.
16 B. Any Councilmember succeeding to the Office of the Executive on a temporary interim
17 basis pursuant to this Section shall discharge the duties of that office until such time as
18 the elected or appointed officer is available for duty or a regular successor is appointed
19 by the ordinary means applicable to the Office of the Executive.
20 C. Whenever practicable, the Executive or designee shall notify the Executive Pro Tem,
21 succeeding official, and Director at least 72 hours prior to the Executive's absence.
22

23 **2.118.045 Continuity of County Government.**

- 24 A. In the event of a disaster, it is essential to assure continued operation of County
25 government, to preserve and protect records essential to the continued functioning of
26 County government, and to provide for the appointment of temporary interim successors
27 to the elected and appointed offices of the County.
28 1. If a declared disaster reduces the number of members of the County Council, then
29 those members who are available for duty shall have full authority to act in all
30 matters as the County Council. In the event no member of the County Council is
31 available for duty, then those elected County officials other than judges of District or
32 Superior Court, but including the Presiding Judge of Superior Court, as are available
33 for duty shall jointly act as the County Council and shall possess by majority vote
34 the full authority of the County Council.
35 2. Elected County officers, other than the Executive and members of the County
36 Council, are authorized and directed to designate one or more temporary interim
37 successors to the office of such officer in the event the officer is unavailable for duty
38 during an emergency caused by a declared disaster.
39 3. The County Executive shall, subject to such rules as the Executive may adopt,
40 permit each appointed County officer to designate one or more temporary interim
41 successors of such officer in the event the officer is unavailable for duty during an
42 emergency caused by a declared disaster.
43 B. Any County officer succeeding to an office on a temporary interim basis pursuant to this
44 Section shall discharge the duties of that office until such time as the elected or
45 appointed officer is available for duty or a regular successor is appointed by the ordinary
46 means applicable to the office.
47 C. Whenever it becomes impracticable, due to disaster, to convene the Council in the



1 County seat, the Council may convene in any of the following alternate branch offices,
2 designated pursuant to Section 1.40(2) of the Pierce County Charter:

- 3 1. Emergency Management
4 (Emergency Operations Center)
5 County-City Building
6 930 Tacoma Avenue So., Room B-36
7 Tacoma, Washington 98402
8 (253) 798-6595
9 Emergency Management -- Alternate
10 2501 South 35th
11 Tacoma, Washington 98409
12 (253) 798-7470
- 13 2. South Hill Precinct
14 271 John Bananola Way E
15 Puyallup, WA 98374
16 (253) 798-4721 – Dispatch
- 17 3. Environmental Services Building
18 9850- 64th Street W
19 University Place WA 98467
20 (253) 798-4050

21 If it becomes impracticable or unsafe for members of the Council to convene in person
22 during a declared emergency, the Council may convene by teleconference or any other
23 reasonable means. After any emergency relocation, the business of the Council shall be
24 lawfully conducted at such alternate site or sites for the duration of the emergency.

25 **D. Essential Records Preservation.** All departments of Pierce County shall identify records
26 essential for continuity and preservation of government and provide for their protection
27 according to the guidelines set by the State Archivist (Secretary of State's Office, RCW
28 40.10.010).

29
30 **2.118.050 Penalties for Violations.**

31 It is a misdemeanor for any person during a disaster:

- 32 A. To willfully obstruct, hinder or delay the enforcement of any lawful rule or regulation
33 issued pursuant to this Chapter, or the performance of any duty imposed by virtue of this
34 Chapter;
- 35 B. To do any act forbidden by any lawful rules or regulations issued pursuant to this
36 Chapter, if such act is of such a nature as to give, or be likely to give assistance to the
37 enemy, or to imperil the lives or property of inhabitants of this County, or to prevent,
38 hinder or delay the defense or protection thereof;
- 39 C. To wear, carry or display, without authority, any means of identification specified by the
40 Emergency Management Agency of the State or Pierce County.

41
42 **2.118.060 Severability.**

43 If any provision of this Chapter or its application to any person or circumstance is held
44 invalid, the remainder of the Chapter or the application of the provision to other persons or
45 circumstances shall not be affected.



